

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARLONZO ROYSTON,

No. C-12-3665 EMC (pr)

Petitioner,

v.

**ORDER DENYING APPLICATION TO
PROCEED WITHOUT PAYMENT OF
FEES, AND DENYING COA**

RANDY GROUNDS, Warden,

Respondent.

This action was dismissed because Petitioner failed to state a claim upon which federal habeas relief may be granted. Petitioner then filed a notice of appeal, which caused the Clerk to send to him a form request for payment of the \$455.00 filing fee for an appeal. Petitioner did not pay the fee or apply to proceed *in forma pauperis*. The Clerk's office sent him two dunning notices about the fee obligation. Petitioner then filed a "motion to proceed without payment" of fees in which he urged that he "should not be force[d] to pay a filing fee of any kind." (Docket # 16.)


Petitioner's motion to proceed without any payment of fees is **DENIED**. (Docket # 16.) The \$455.00 filing fee to take an appeal from a judgment in his habeas action is separate and in addition to the \$5.00 filing fee to file the habeas petition in the district court. The fees are mandatory.

A prisoner-petitioner who believes he is unable to pay the filing fee may file an application to proceed *in forma pauperis*. If Petitioner wants to proceed *in forma pauperis* on appeal, he may file a signed application to proceed *in forma pauperis* to which he has attached a certified copy of his inmate trust account statement for the last six months. *See* 28 U.S.C. § 1915(b).

1 A certificate of appealability will not issue with respect to the dismissal because Petitioner
2 has not made “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2).
3 This is not a case in which “reasonable jurists would find the district court’s assessment of the
4 constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

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6 IT IS SO ORDERED.

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8 Dated: May 6, 2013

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11 EDWARD M. CHEN
12 United States District Judge
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